



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2555

DATE SCANNED 3-29-13

SCANNER NO. 2

SCAN OPERATOR C. Smith

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 SEP 11 PM 1:12

September 11, 2012

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerali *JP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 July Quarterly Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 July Quarterly Report in accordance with 2 U.S.C. 434(a). The 2012 July Quarterly Report was due on July 15, 2012.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2012 JULY QUARTERLY Not Election Sensitive 07/15/2012 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Recelpt Date	Days Late	LOA	RTB Penalty
2538	C00506295	BICKNELL FOR CONGRESS	BICKNELL, HUNTER	JAMES R. SHAW, JR.	\$121,335	0	8/3/2012	19	\$34,201	\$580
2539	C00020453	CASS COUNTY REPUBLICAN CENTRAL COMMITTEE		TONY P. KEY	\$100,231	1	8/9/2012	25	\$8,064	\$225
2540	C00511311	DAVE SITTON FOR CONGRESS	SITTON, DAVE	DAVID KATSEL	\$403,582	0		Not Filed	\$403,582 (est)	\$9,900
2541	C00500173	DAVID MCINTOSH FOR INDIANA	MCINTOSH, DAVID MARTIN	JACKIE M. BENNETT, JR.	\$1,733,077	0	7/31/2012	16	\$575,917	\$6,500
2542	C00501072	DEAN YOUNG FOR CONGRESS COMMITTEE	YOUNG, LARRY DEAN JR	HUGH R. PARDUJE	\$468,916	0		Not Filed	\$117,229 (est)	\$4,950
2543	C00505628	FRIENDS OF CHRIS GARNER	GARNER, CHRISTOPHER JOHN	BARBARA S. SMALL	\$120,085	0		Not Filed	\$120,085 (est)	\$4,950
2544	C00495119	FRIENDS OF HEATHER MCTEER	MCTEER, HEATHER	MERCIDEES MCTEER	\$671,360	0		Not Filed	\$134,272 (est)	\$4,950

2547	C00497644	JIMMIE MOORE FOR CONGRESS	MOORE, JIMMIE SEE	GAIL A. CHINN-PRATT	\$328,232	0		Not Filed	\$82,058 (est)	\$3,850
2548	C00500827	JOHN LEE FOR CONGRESS	LEE, JOHN JAY	RYANN PATRICK-SHELL JUDEN	\$138,309	0		Not Filed	\$46,103 (est)	\$990
2549	C00514489	KENNETH SANDERS FOR CONGRESS CAMPAIGN	SANDERS, KENNETH	ESQUE SANDERS, JR.	\$156,338	0		Not Filed	\$52,113 (est)	\$2,970
2550	C00494187	MODICA FOR SENATE	MODICA, JULIEN	JULIEN MODICA	\$673,796	1		Not Filed	\$224,599 (est)	\$6,937
2551	C00293100	NAADAC THE ASSOCIATION FOR ADDICTION PROFESSIONALS		ALVIN FELICIANO	\$103,032	0	8/23/2012	Not Filed	\$14,149	\$550
2552	C00413567	NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOPAC		ROBERT L. REDDING, JR.	\$154,216	0	8/8/2012	24	\$33,826	\$680
2553	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74		MARK R. PERMAR	\$109,945	1	8/2/2012	18	\$15,813	\$250

2555	C00503078	STRONG UTAH PAC		MICHAEL D. EDMONDS	\$154,435	0	8/28/2012	Not Filed	\$75,185	\$3,850
2556	C00467761	SUE LOWDEN FOR U S SENATE	LOWDEN, SUE	BOB BEERS	\$273,273	2		Not Filed	\$54,655 (est)	\$4,455

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2557	C00507772	SYLVIA ROMO FOR CONGRESS	ROMO, SYLVIA S	LARRY BENSON	\$108,265	0		Not Filed	\$54,133 (est)	\$2,970
2558	C00503342	TOM ENGEL FOR CONGRESS COMMITTEE	ENGEL, TOM	RICHARD VACCARIELLO TIFFANY	\$385,678	0		Not Filed	\$192,839 (est)	\$6,050
2559	C00466011	TRUST WOMEN PAC		REYNOLDS- RICHARDSON	\$175,617	0		Not Filed	\$35,123 (est)	\$990
2560	C00430886	WEBB FOR SENATE	WEBB, JAMES H JR	INGRID MORROY	\$257,207	0		Not Filed	\$51,441 (est)	\$2,970
2561	C00509778	WIELAND 2012	WIELAND, RICHARD E	ROBERT W. MERKLE	\$569,527	0		Not Filed	\$569,527 (est)	\$11,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2012 )  
July Quarterly Report for the )  
Administrative Fine Program: )  
BICKNELL FOR CONGRESS, and ) AF# 2538  
JAMES R SHAW JR as treasurer; )  
CASS COUNTY REPUBLICAN ) AF# 2539  
CENTRAL COMMITTEE, and TONY P )  
KEY as treasurer; )  
DAVE SITTON FOR CONGRESS, and ) AF# 2540  
DAVID KATSEL as treasurer; )  
DAVID MCINTOSH FOR INDIANA, and ) AF# 2541  
JACKIE M BENNETT JR as treasurer; )  
DEAN YOUNG FOR CONGRESS ) AF# 2542  
COMMITTEE, and HUGH R PARDUE as )  
treasurer; )  
FRIENDS OF CHRIS GARNER, and ) AF# 2543  
BARBARA S SMALL as treasurer; )  
FRIENDS OF HEATHER MCTEER, and ) AF# 2544  
MERCIDEES MCTEER as treasurer; )  
  
JIMMIE MOORE FOR CONGRESS, and ) AF# 2547  
CHINN-PRATT, GAIL A. as treasurer; )  
JOHN LEE FOR CONGRESS, and ) AF# 2548  
JUDEN, RYANN PATRICK-SHELL as )  
treasurer; )  
KENNETH SANDERS FOR CONGRESS ) AF# 2549  
CAMPAIGN, and ESQUE SANDERS JR )  
as treasurer; )  
MODICA FOR SENATE, and JULIEN ) AF# 2550  
MODICA as treasurer; )  
NAADAC THE ASSOCIATION FOR ) AF# 2551  
ADDICTION PROFESSIONALS, and )  
ALVIN FELICIANO as treasurer; )

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NATIONAL ASSOCIATION OF FARM ) AF# 2552  
SERVICE AGENCY COUNTY OFFICE )  
EMPLOYEES INC PPC AKA NASCOE )  
PAC, and ROBERT L REDDING JR as )  
treasurer; )  
PLUMBERS AND PIPEFITTERS LOCAL ) AF# 2553  
UNION 74, and MR MARK R PERMAR as )  
treasurer; )

STRONG UTAH PAC, and MICHAEL D ) AF# 2555  
EDMONDS as treasurer; )  
SUE LOWDEN FOR U S SENATE, and ) AF# 2556  
BOB BEERS as treasurer; )  
SYLVIA ROMO FOR CONGRESS, and ) AF# 2557  
LARRY BENSON as treasurer; )  
TOM ENGEL FOR CONGRESS ) AF# 2558  
COMMITTEE, and VACCARIELLO, )  
RICHARD MR. as treasurer; )  
TRUST WOMEN PAC, and REYNOLDS- ) AF# 2559  
RICHARDSON, TIFFANY as treasurer; )  
WEBB FOR SENATE, and INGRID ) AF# 2560  
MORROY as treasurer; )  
WIELAND 2012, and ROBERT W ) AF# 2561  
MERKLE as treasurer; )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on September 12, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2012 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 11, 2012, on the following committees:

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AF#2538 Decided by a vote of 6-0 to: (1) find reason to believe that BICKNELL FOR CONGRESS, and JAMES R SHAW JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2539 Decided by a vote of 6-0 to: (1) find reason to believe that CASS COUNTY REPUBLICAN CENTRAL COMMITTEE, and TONY P KEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2540 Decided by a vote of 6-0 to: (1) find reason to believe that DAVE SITTON FOR CONGRESS, and DAVID KATSEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2541 Decided by a vote of 6-0 to: (1) find reason to believe that DAVID MCINTOSH FOR INDIANA, and JACKIE M BENNETT JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2542 Decided by a vote of 6-0 to: (1) find reason to believe that DEAN YOUNG FOR CONGRESS COMMITTEE, and HUGH R PARDUE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2543 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF CHRIS GARNER, and BARBARA S SMALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2544 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF HEATHER MCTEER, and MERCEDES MCTEER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2547 Decided by a vote of 6-0 to: (1) find reason to believe that JIMMIE MOORE FOR CONGRESS, and CHINN-PRATT, GAIL A. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2548 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN LEE FOR CONGRESS, and JUDEN, RYANN PATRICK-SHELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2549 Decided by a vote of 6-0 to: (1) find reason to believe that KENNETH SANDERS FOR CONGRESS CAMPAIGN, and ESQUE SANDERS JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2550 Decided by a vote of 6-0 to: (1) find reason to believe that MODICA FOR SENATE, and JULIEN MODICA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2551 Decided by a vote of 6-0 to: (1) find reason to believe that NAADAC THE ASSOCIATION FOR ADDICTION PROFESSIONALS, and ALVIN FELICIANO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate



letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2552 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC, and ROBERT L REDDING JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2553 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and MR MARK R PERMAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2555 Decided by a vote of 6-0 to: (1) find reason to believe that STRONG UTAH PAC, and MICHAEL D EDMONDS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2556 Decided by a vote of 6-0 to: (1) find reason to believe that SUB LOWDEN FOR U S SENATE, and BOB BEERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2557 Decided by a vote of 6-0 to: (1) find reason to believe that SYLVIA ROMO FOR CONGRESS, and LARRY BENSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2558 Decided by a vote of 6-0 to: (1) find reason to believe that TOM ENGEL FOR CONGRESS COMMITTEE, and VACCARIELLO, RICHARD MR. as treasurer

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violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2559 Decided by a vote of 6-0 to: (1) find reason to believe that TRUST WOMEN PAC, and REYNOLDS-RICHARDSON, TIFFANY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2560 Decided by a vote of 6-0 to: (1) find reason to believe that WEBB FOR SENATE, and INGRID MORROY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2561 Decided by a vote of 6-0 to: (1) find reason to believe that WIELAND 2012, and ROBERT W MERKLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 13, 2012  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 13, 2012

Michael D. Edmonds, in official capacity as Treasurer  
Strong Utah PAC  
329 Pierpont Avenue  
Salt Lake City, UT 84101

C00503078  
AF#: 2555

Dear Mr. Edmonds:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through June 30th, shall be filed no later than July 15th. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On September 12, 2012, the FEC found that there is reason to believe ("RTB") that Strong Utah PAC and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 15th. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,850. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$3,850 is due within forty (40) days of the finding, or by October 22, 2012, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$75,185

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

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committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 22, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Strong Utah PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1962 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,850 for the 2012 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by October 22, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Strong Utah PAC

FEC ID#: C00503078

AF#: 2555

PAYMENT DUE DATE: October 22, 2012

PAYMENT AMOUNT DUE: \$3,850

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# FEC OFFICE OF ADMIN REVIEW

**Strong Utah PAC**

2012 OCT 24 AM 9: 54

329 Pierpont Avenue  
Salt Lake City, Utah 84101  
801.983.9266  
801.746.2895 (FAX)

Federal Election Commission  
Office of Administrative Review  
999 E Street  
Washington, DC 20463

RE: AF#:2555 for committee C00503078

Dear Sir or Madam:

We are in receipt of your letter dated September 13, 2012 in which you impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). As allowed, I wish to challenge your finding in the above referenced matter based on the committee's demonstrated attempt to file in a timely matter. Specifically, a failure of Federal Election Commission computers and/or software.

I personally entered the report in question using the FEC's on-line system, this was the first time that the committee used the on-line system. I received a message at the end of the process that said that the commission was processing the file. I was not aware that I should have received a confirmation email and thought that the message was sufficient evidence that the process had been received.

I subsequently received communication from the commission indicating that the file had not been received and tried again to transmit the report. Each time I received the same message. After about three attempts to transmit the report, I called the technical support desk for assistance but had to leave a message for someone to call me back. I did not receive a return phone call from technical support for several days so I called the commission once again.

The report was filed immediately once the technical issue was resolved and subsequent reports have been filed timely. Therefore, I respectfully request that a civil penalty not be levied against me or the Strong Utah PAC.

Regards,



Michael Edmonds, Treasurer

801.983.9266 (office)

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 24, 2012

Michael D. Edmonds, in official capacity as Treasurer  
Strong Utah PAC  
329 Pierpont Avenue  
Salt Lake City, Utah 84101

C00503078  
AF#: 2555

Dear Mr. Edmonds:

On October 24, 2012, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

13092682629



Date: October 24, 2012

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2555**

**Committee Name: Strong Utah PAC**

**Committee ID#: C00503078**

**Committee Address (if different than in RTB letter): N/A**

**Treasurer Name (if different than in RTB finding): N/A**

**Attachments:**

**Copy of RTB Circulation Report, dated September 11, 2012 and RTB Certification, dated September 13, 2012 (Y/N): Previously Forwarded**

**Attachment #: N/A**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 1**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-Non-Filer Letter, dated July 30, 2012.**

**-RTB Letter, dated September 13, 2013.**

**Attachment #: 3**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

13092682630



# Delivery Notification

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9294 645 0  
 Reference Number(s): RAD, 2555  
 Service: NEXT DAY AIR  
 Special Instructions: ADULT SIGNATURE REQUIRED  
 Shipped/Billed On: 09/12/2012  
 Delivered On: 09/17/2012 9:18 A.M.  
 Delivered To: 329 PIERPONT AVE  
 SALT LAKE CITY, UT, US 84101

Signed By: CASADAY  
 UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
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Location: RECEPTION

Thank you for giving us this opportunity to serve you.

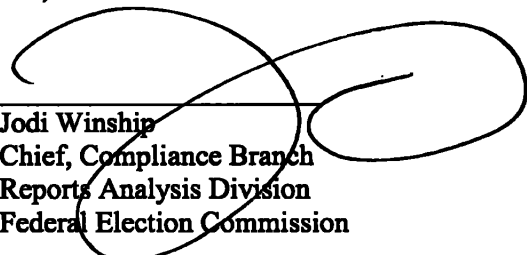
Sincerely,  
 UPS

Tracking results provided by UPS: 09/18/2012 10:08 A.M. ET

13092682631

## DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Strong Utah PAC:
  - A) Non-Filer Letter, dated July 30, 2012, referencing the 2012 July Quarterly Report;
  - B) Reason-to-Believe Letter, dated September 13, 2012 referencing the 2012 July Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Strong Utah PAC filed the 2012 July Quarterly with the Commission on August 28, 2012.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 24<sup>th</sup> day of October, 2012.

  
Jodi Winship  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

July 30, 2012

RQ-7

MICHAEL D EDMONDS, TREASURER  
STRONG UTAH PAC  
329 PIERPONT AVENUE  
SALT LAKE CITY, UT 84101

IDENTIFICATION NUMBER: C00503078

REFERENCE: JULY QUARTERLY REPORT 4/1/2012 - 6/30/2012

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT DAVID GARR AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

*Debbie Chacona*

DEBBIE CHACONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

1 201208080021



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 DEC -5 PM 5: 20

**SENSITIVE**

December 6, 2012

**MEMORANDUM**

To: The Commission

Through: *[Signature]* Alec Palmer  
Staff Director

From: Patricia C. Orrock *[Signature]*  
Chief Compliance Officer

Rhiannon Magruder *[Signature]*  
Acting Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2555 – Strong Utah  
PAC and Michael D. Edmonds, in his official capacity as Treasurer  
(C00503078)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

13092682634



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 6, 2012

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2555 – Strong Utah PAC and Michael D. Edmonds, in his official capacity as Treasurer  
(C00503078)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$3,850 civil money penalty.

**Reason-to-Believe Background**

On September 12, 2012, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 July Quarterly Report and made a preliminary determination that the civil money penalty was \$3,850, based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated September 13, 2012, was mailed to the respondents' address of record by the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a report for the quarter ending June 30 no later than July 15. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5 (e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On October 24, 2012, the Commission's Office of Administrative Review ("OAR") received the written response ("challenge") from Treasurer, Michael D. Edmonds, challenging on the grounds of their demonstrated attempt to timely file the report and a failure of Commission computers and/or software. The Treasurer states that this was the Committee's first time using the "on-line system." He assumed he successfully filed the report when he saw the status message indicating the Commission was processing the report, and he was unaware that he should have received a confirmation email.

After the Commission notified the Treasurer that the filing had not been received, he made multiple attempts to transmit the report and received the same message. He called Commission technical support and left a message requesting a return call. After not receiving a call for several days, the Treasurer again contacted technical support. He filed the report as soon

as the technical issue was resolved, and he has timely filed all subsequent reports. The Treasurer respectfully requests the civil money penalty be waived.

### **Analysis**

The Treasurer refers to the use of the "on-line system" in the challenge but does not specify using the Commission's FECFile software or another commercial software. The Manager of the Systems Analysis and Design Branch within the Commission's Information Technology Division ("ITD") confirmed that the Committee has filed all electronic reports using the Commission's FECFile software, and there is no indication the Committee attempted to use the Commission's online webforms or commercial software to electronically file any reports. Therefore, the Reviewing Officer concludes that the points raised in the challenge refer to FECFile.

Although the challenge states that the Treasurer's original attempt to file the July Quarterly Report was the Committee's first time using the "on-line system," Commission records indicate otherwise. On March 13, 2012, the Committee successfully used FECFile to file a 24 Hour Report of Independent Expenditures, which was electronically signed by the Treasurer.

The Treasurer indicates he assumed he successfully filed the report because he received a status message stating the Commission was processing the report. However, the ITD Manager confirmed that no similar text exists in the message string users see during the FECFile upload process. According to the ITD Manager, only once a report is electronically filed is a confirmation of receipt electronically generated, and it is emailed to the filer. While the challenge asserts the Treasurer was not aware of the confirmation email process, EFO sent a confirmation email for the March 13 filing to mdedmonds@hotmail.com, the email address the Committee previously provided.

The challenge states that a Commission "communication" was the first indication that the Commission did not receive the report. On July 16, 2012, the day after the filing deadline, EFO sent an email to the same email address alerting the respondents that they had failed to file the July Quarterly Report. On July 30, 2012, RAD sent a non-filer letter to the respondents' address of record again informing them that they did not file the report. According to EFO, the Treasurer mentioned receiving a letter regarding not filing the report during a technical support call on August 21, 2012. Therefore, the Reviewing Officer concludes that the Treasurer was referring to RAD's non-filer letter in the challenge.

According to RAD telecoms (written records of telephone conversations), the Reports Analyst called the Treasurer on August 21, 2012 regarding a reporting issue and mentioned the July Quarterly Report had not been filed. The Treasurer suggested he was aware the report was not filed, and as stated in the challenge, he told the Analyst that he tried to file the report and received a message indicating it was filed. The Analyst informed him that he would have received an immediate email confirmation if the report was successfully filed, and the Treasurer confirmed he had not. The Analyst transferred him to EFO, at which point EFO staff provided instructions on the upload process.

While the challenge states the Committee attempted to timely file the report, there is no evidence that the Committee requested Commission assistance, even after the respondents received the RAD non-filer letter. The challenge states that the Treasurer left EFO a message, and he had to call again after not receiving a return call for several days. However, EFO records indicate the only request for technical support was the August 21 transfer from RAD mentioned above. Additionally, if the Treasurer did previously attempt to contact EFO, he did not mention this to the Reports Analyst during the August 21 call.

The Treasurer further asserts that he filed the report immediately once the technical issue was resolved. According to the ITD Manager, EFO's assistance to the Committee was limited to the explanation of the upload process on August 21 and the Treasurer's second password request submitted and processed on August 28, 2012. Additionally, while the challenge contends there was a failure of Commission computers and/or software, the ITD Manager confirmed there is no record of a filing receipt or error log for the July Quarterly Report and no evidence of any problem that would have prevented the timely filing of the report.

On August 28, 2012, the Committee electronically filed the July Quarterly Report, 44 days late. As stated in the challenge, the Committee has timely filed all subsequent reports to date.

A committee's failure to use filing software properly is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to meet any of the three valid grounds for challenging the RTB finding or proposed penalty at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2555 involving Strong Utah PAC and Michael D. Edmonds, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2555 that Strong Utah PAC and Michael D. Edmonds, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850; and
- (3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

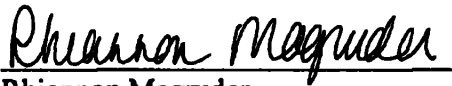
#### **Attachments**

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR



**DECLARATION OF RHIANNON MAGRUDER**

1. I am the Acting Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Acting Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2012 July Quarterly Report is due July 15, 2012. Reports sent by first class mail are considered filed on the date of receipt. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on July 15, 2012 to be timely filed.
3. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a. Page 1 of the Summary Page for the 2012 July Quarterly Report electronically filed by Strong Utah PAC and Michael D. Edmonds, in his official capacity as treasurer. According to the Commission's records, the report was received on August 28, 2012 and covers the period from April 1 through June 30, 2012.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 6th of December, 2012.

  
Rhiannon Magruder  
Acting Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

13092682638

Image# 12972170387

PAGE 1 / 11

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type  
over the lines.

12FE4M5

Strong Utah PAC

ADDRESS (number and street)

329 West Pierpont Ave

Check if different  
than previously  
reported. (ACC)

Salt Lake City

UT

84101

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00503078

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)4. TYPE OF REPORT  
(Choose One)

(a) Quarterly Reports:

April 15  
Quarterly Report (Q1)

X July 15  
Quarterly Report (Q2)

October 15  
Quarterly Report (Q3)

January 31  
Year-End Report (YE)

July 31 Mid-Year  
Report (Non-election  
Year Only) (MY)

Termination Report  
(TER)

(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day  
PRE-Election  
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of(d) 30-Day  
POST-Election  
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period

04

01

2012

through

06

30

2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Michael D Edmonds

Signature of Treasurer

Michael D Edmonds

[Electronically Filed]

Date

06

29

2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3X**  
Rev. 12/2004

F66AN026

13092682639



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 6, 2012

Michael D. Edmonds, in official capacity as Treasurer  
Strong Utah PAC  
329 Pierpont Avenue  
Salt Lake City, Utah 84101

C00503078  
AF#: 2555

Dear Mr. Edmonds:

On September 12, 2012, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Strong Utah PAC and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

*Rhiannon Magruder*

Rhiannon Magruder  
Acting Reviewing Officer  
Office of Administrative Review

13092682640



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 28, 2012

MEMORANDUM

To: The Commission

Through: Alec Palmer *for PCO*  
Staff Director

From: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Acting Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2555 – Strong Utah PAC and Michael D. Edmonds, in his official capacity as Treasurer (C00503078)

On September 12, 2012, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 July Quarterly Report and made a preliminary determination that the civil money penalty was \$3,850, based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 24, 2012, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated December 6, 2012 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$3,850 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

13092682641

### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2555 involving Strong Utah PAC and Michael D. Edmonds, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2555 that Strong Utah PAC and Michael D. Edmonds, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850; and
- (3) Send the appropriate letter.

13092682642

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation: ) AF 2555  
Strong Utah PAC and Michael D. )  
Edmonds, in his official capacity as )  
Treasurer (C00503078) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 09, 2013, the Commission decided by a vote of 6-0 to take the following actions in AF#2555:

1. Adopt the Reviewing Officer recommendation for AF# 2555 involving Strong Utah PAC and Michael D. Edmonds, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2555 that Strong Utah PAC and Michael D. Edmonds, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

January 10, 2013  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

13092682643



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 14, 2013

Michael D. Edmonds, in official capacity as Treasurer  
Strong Utah PAC  
329 Pierpont Avenue  
Salt Lake City, Utah 84101

C00503078  
AF#: 2555

Dear Mr. Edmonds:

On September 12, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Strong Utah PAC and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43. By letter dated September 13, 2012, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,850 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 24, 2012, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Strong Utah PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$3,850 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on December 6, 2012.

On January 8, 2013, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Strong Utah PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$3,850. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the

respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

**If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services, and 30% on debts over two years old. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA").

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

**If You Choose To Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Donald F. McGahn II  
Vice Chairman

Attachment



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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$3,850 for the 2012 July Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Strong Utah PAC

FEC ID#: C00503078

AF#: 2555

PAYMENT AMOUNT DUE: \$3,850

13092682646

13092682647

FOR: Strong Utah PAC

FEC ID#: C00503078

AF#: 2555

PAYMENT AMOUNT DUE: \$3,850

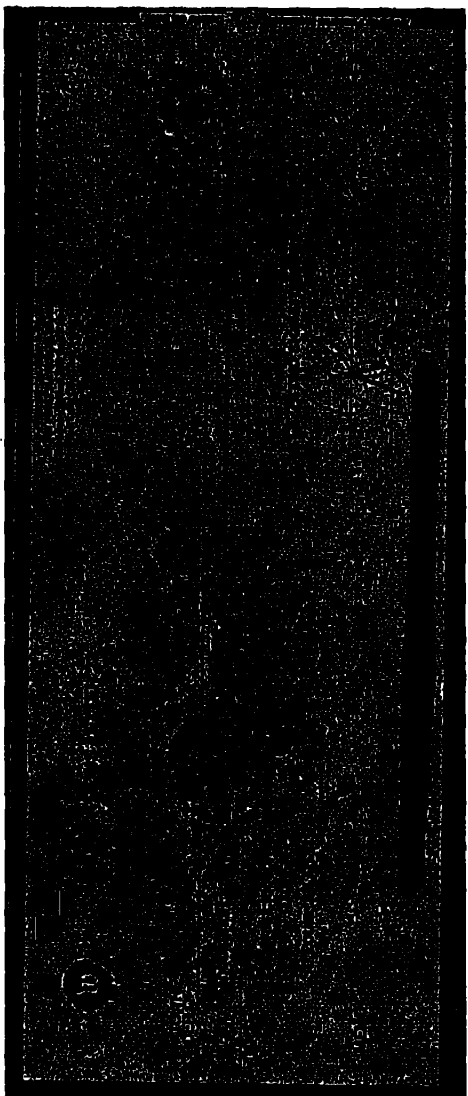
From Letter 23 agent for Strong Utah PAC

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FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 02/20/2013

usbank  
St. Louis GA Lockbox  
(314) 425-1818



Batch	Item	TID	Batch Total	Amount
1	1	Y-3003563	\$4,350.00	\$3,850.00



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2555

DATE SCANNED 3-29-13

SCANNER NO. 2

SCAN OPERATOR CHN

13092682648